

SIDLEY AUSTIN BROWN & WOOD LLP

BEIJING
BRUSSELS
CHICAGO
DALLAS
GENEVA
HONG KONG
LONDON

1501 K STREET, N.W.
WASHINGTON, D.C. 20005
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711
www.sidley.com
FOUNDED 1866

LOS ANGELES
NEW YORK
SAN FRANCISCO
SHANGHAI
SINGAPORE
TOKYO
WASHINGTON, D.C.

FACSIMILE/TELECOPIER TRANSMISSION

From: Name: Jeffrey P. Kushan
Voice: 202-736-8000

RECEIVED
CENTRAL FAX CENTER
FEB 15 2005

To: Name: U.S. Patent and Trademark Office
Company: U.S. Patent and Trademark Office
Facsimile#: 7038729306
Voice Phone:
Subject: U.S. Application Serial No. 10/015,967; Attorney Docket:
P1447R1/22338-00501 - RESPONSE w/ Pet for Ext

Date: 02/15/2005 Time: 14:47:20 No. Pages (Including Cover): 8

Message:

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE US POSTAL SERVICE. THANK YOU.

SIDLEY AUSTIN BROWN & WOOD LLP IS A DELAWARE LIMITED LIABILITY PARTNERSHIP PRACTICING IN AFFILIATION WITH OTHER SIDLEY AUSTIN BROWN & WOOD PARTNERSHIPS

SIDLEY AUSTIN BROWN & WOOD LLP

1501 K STREET, NW - WASHINGTON, D.C. 20005 - TEL. (202) 736-8000 - FAX (202) 736-8711

RECEIVED
CENTRAL FAX CENTER

FEB 15 2005

FAX TRANSMISSION

Total *[7]* pages, including cover sheetTo: Commissioner for Patents
U.S. Patent and Trademark Office

Fax no.: (703) 872-9306

From: Jeffrey P. Kushan
Tel. (202) 736-8000

Date: February 15, 2005

Re:

Serial No.: 10/015,967

Group Art Unit: 1646

Confirmation No.: 9428

Examiner: Jiang, Dong

Filed: December 7, 2001

Applicant: Eaton, et al.

For: Interleukin-8 Homologous Polypeptides and Uses Thereof

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

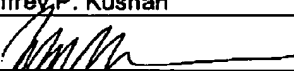
I CERTIFY THAT THE FOLLOWING DOCUMENTS ARE BEING TRANSMITTED TO THE USPTO AT FAX NUMBER (703) 872-9306 ON THE DATE SHOWN:

- Amendment and Response Under 37 CFR 1.116
- Fee Transmittal including Petition for 3-month


SIGNATUREYvonne T. Reyes
PRINTED NAMEFeb. 15, 2005
DATE

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE US POSTAL SERVICE. THANK YOU.

SIDLEY AUSTIN BROWN & WOOD LLP IS A DELAWARE LIMITED LIABILITY PARTNERSHIP PRACTICING IN AFFILIATION WITH OTHER SIDLEY AUSTIN BROWN & WOOD PARTNERSHIPS

REPLY/AMENDMENT FEE TRANSMITTAL		Attorney Docket No.	P1447R1/22338-00501		
		Application Number	10/015,967		
		Filing Date	December 7, 2001		
		First Named Inventor	Eaton, <i>et al.</i>		
		Group Art Unit	1646		
AMOUNT ENCLOSED	0.00	Examiner Name	Jiang, Dong		
FEE CALCULATION (fees effective 12/08/03)					
CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	10	- 20 =	0	X \$50.00 =	\$ 0.00
INDEPENDENT CLAIMS	2	- 3 =	0	X \$200.00 =	0.00
Since a Notice of Appeal set and extendable due date from August 19, 2004, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160));					1590.00
If Notice of Appeal is enclosed, add (\$500.00)					
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)					
Information Disclosure Statement (Rule 1.17(p)) (\$180.00)					
Total of above Calculations =					\$ 1590.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
TOTAL FEES DUE =					\$ 1590.00
<small>(1) If entry (1) is less than entry (2), entry (3) is "0". (2) If entry (2) is less than 20, change entry (2) to "20". (4) If entry (4) is less than entry (5), entry (6) is "0". (5) If entry (5) is less than 3, change entry (6) to "3".</small>					
METHOD OF PAYMENT					
<input type="checkbox"/> Check enclosed as payment. <input checked="" type="checkbox"/> Charge "TOTAL FEES DUE" to the Deposit Account No. below. <input type="checkbox"/> No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).					
GENERAL AUTHORIZATION					
<input checked="" type="checkbox"/> If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to: <div style="margin-left: 40px;"> Deposit Account No. 18-1260 Deposit Account Name Sidley Austin Brown & Wood </div>					
<input checked="" type="checkbox"/> The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.					
SUBMITTED BY: Sidley, Austin, Brown & Wood					
Typed Name	Jeffrey P. Kushan		Reg. No.	43,401	
Signature			Date	2/15/05	

DC1 753246v1

Patent Docket P1447R1/22338-00501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
FEB 15 2005

In re Application of: Eaton, <i>et al.</i>	Group Art Unit: 1646
Serial No.: 10/015,967	Examiner: Jiang, Dong
Filed: December 7, 2001	
For: Interleukin-8 Homologous Polypeptides and Uses Thereof	

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Advisory Action mailed on September 21, 2004. Consideration of the amendment and remarks herein are respectfully requested. The response, with attached request for four-month extension of time, is considered timely filed.

The Commissioner is authorized to charge any fees that may be required, including the extension fee, or to credit any overpayment to Deposit Account No. 18-1260.